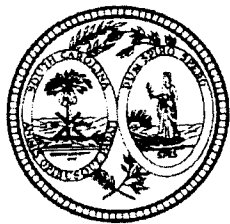


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Charles L.A. Terreni
Chief Clerk/Administrator
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The Public Service Commission State of South Carolina

COMMISSIONERS
Elizabeth B. "Lib" Fleming, Fourth District
Chairman
John E. "Butch" Howard, First District
Vice Chairman
David A. Wright, Second District
Randy Mitchell, Third District
G. O'Neal Hamilton, Fifth District
Mignon L. Clyburn, Sixth District
Swain E. Whitfield, At-Large

Docketing Department
Jocelyn G. Boyd, Deputy Clerk
Phone: (803) 896-5114
Fax: (803) 896-5231

December 17, 2008

The Honorable Andre Bauer
President of the Senate
State House, 1st Floor
East Wing
P.O. Box 142
Columbia, South Carolina 29202

Dear Lieutenant Governor Bauer:

The South Carolina Public Service Commission is respectfully submitting Document No. 3223 relating to adjustment of bills for household goods moving services and representation of entities and individuals before the Commission for legislative review. Inquiries regarding these regulations should be addressed to Jocelyn Boyd or David Butler at (803) 896-5100.

Thank you for your attention regarding this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles L.A. Terreni". The signature is fluid and cursive, with a large, prominent "C" at the beginning.

Charles L.A. Terreni
Chief Clerk and Administrator

Enclosure

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DEC 17 2008

S.C. LEGISLATIVE COUNCIL



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December 17, 2008

The Honorable Robert William Harrell
Speaker of the House of Representatives
506 Blatt Building
Columbia, South Carolina 29211

Dear Mr. Speaker:

The South Carolina Public Service Commission is respectfully submitting Document No. 3223 relating to adjustment of bills for household goods moving services and representation of entities and individuals before the Commission for legislative review. Inquiries regarding these regulations should be addressed to Jocelyn Boyd or David Butler at (803) 896-5100.

Thank you for your attention regarding this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "C. Terreni", written over a horizontal line.

Charles L.A. Terreni
Chief Clerk and Administrator

Enclosures

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DEC 17 2008

S.C. LEGISLATIVE COUNCIL

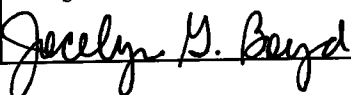
DOCUMENT TRANSMITTAL FORM

This form must be completed and submitted with each document filed with the Editor of the *State Register* in the Legislative Council

Agency Name Public Service Commission	1. Chapter Number 103	2. Date of Filing December 17, 2008
3. Regulation Number 26 S.C. Code Ann. Regs. 103-199.5 26 S.C. Code Ann. Regs. 103-805	4. Subject of Regulation Adjustment of Bills and Representation	
5. Statutory Authority S.C. Code Ann. Section 58-3-140 (Supp. 2007)		

6. Type of Filing

- ☐ NOTICE OF GENERAL PUBLIC INTEREST
- ☐ NOTICE OF DRAFTING
- ☐ PROPOSED REGULATION
- ☐ EMERGENCY REGULATION
- ☒ FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW
- ☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW
- ☐ FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

5. For Additional Information, Contact		6. Telephone Number 896-5100
7. Typed Name of Official Jocelyn G. Boyd	8. Signature of Official 	9. Date December 17, 2008

SOUTH CAROLINA STATE REGISTER USE ONLY	
10. For publication in SR Volume ____ Issue ____ Document Number ____ Verification: ____	FILED OFFICIAL FILING STAMP DEC 17 2008 S.C. LEGISLATIVE COUNCIL

Document No. 3223
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103

Statutory Authority: 1976 Code Section 58-3-140

103-199.5. Adjustment of Bills

103-805. Representation

Synopsis: The Public Service Commission has promulgated a regulation that governs the adjustment of bills issued by household goods motor carriers under the Commission's jurisdiction. This regulation helps to eliminate confusion and uncertainty when a household goods carrier has inadvertently or willfully overcharged or undercharged a customer, and the promulgated regulation helps to expedite the resolution of disputed bills. The Commission has also promulgated a regulation which governs representation of parties in cases pending before the Commission. This regulation provides guidance to parties regarding representation of entities, representation of individuals, notice of appearance, motion to withdraw from representation, and unopposed matters in which an entity may proceed without counsel.

Instructions: Print the regulations in accordance with directions given below to reflect new regulations.

103-199.5. Print as shown below

103-805. Print as shown below

Text:

103-199.5. Adjustment of Bills.

If it is found that a household goods motor carrier has directly or indirectly, by any device whatsoever, demanded, charged, collected or received from any customer a greater or lesser compensation for any service rendered by such carrier than that prescribed in the schedules of such carrier applicable thereto, then filed in the manner provided in Title 58 of the South Carolina Code of Laws; or if it is found that any customer has received or accepted any service from a carrier for a compensation greater or lesser than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be provided by the following:

1. Customer Inadvertently Overcharged. If the carrier has inadvertently overcharged a customer as a result of a misapplied schedule or any other human or machine error, the carrier shall at the customer's option credit or refund the excess amount paid by that customer or credit the amount billed.
2. Customer Inadvertently Undercharged. If the carrier has undercharged any customer as a result of a misapplied schedule, or any human or machine error, then the carrier may recover the deficient amount. The customer shall be allowed to pay the deficient amount, in equal installments over a period of six months.
3. Customer Willfully Overcharged. If the utility has willfully overcharged any customer, the carrier shall refund the difference, plus interest, as prescribed by the commission.
4. Customers and Carriers shall have two (2) years from the date of the transaction in question in which to apply for an adjustment as provided in this Regulation.

103-805. Representation.

A. Parties and Their Representatives. Parties in a case have the right to participate or to be represented in all hearings or pre-hearing conferences related to their case. Except as otherwise provided herein, a party must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR. No one shall be permitted to represent a party where such representation would constitute the unauthorized practice of law.

B. Representation of Entities. Except as otherwise provided in S.C. Code Ann. Regs. 103-805(E), any entity including, but not limited to, a corporation, partnership, limited liability company, or professional association, must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR.

C. Representation of Individuals. An individual person not admitted to practice law in South Carolina may represent himself or herself, but may not represent another person. A party proceeding without legal representation shall remain fully responsible for compliance with the commission's regulations and the Administrative Procedures Act.

D. Notice of Appearance. An attorney or other person authorized to represent a party before the commission pursuant to this regulation shall file with the commission a notice of appearance when retained or authorized to represent a party after commencement of a case.

E. Unopposed Matters in Which an Entity May Proceed without Counsel. Subject to the conditions specified in this regulation, an entity may proceed through an authorized agent in any unopposed case, including but not limited to the following:

- 1) application for approval of a tariff,
- 2) application for approval of a contract,
- 3) application for approval of an interconnection agreement between telephone carriers,
- 4) application for approval of a name change,
- 5) application for a certificate of public convenience and necessity to operate as a Class C motor carrier, including a charter passenger carrier, a charter bus, and a taxi, and
- 6) application of a mover of household goods for a certificate of FWA.

If the entity chooses not to use an attorney, it shall include in its submission a written statement from the entity's president, chairperson, general partner, owner, chief executive officer, or authorized agent which states substantially the following:

"I am owner, officer, director, or other person authorized to act on behalf of [Name of Company], and on behalf of [Name of Company], I have elected to submit [Title of Document] to the Public Service Commission of South Carolina without the benefit of legal counsel admitted to practice in South Carolina. In electing to file [Title of Document] without legal counsel, I acknowledge and agree to assume the risk, if any, of resulting adverse legal consequences."

However, if the case becomes opposed, the unrepresented entity must obtain legal representation by an attorney authorized to practice law in South Carolina in order for the commission to allow the matter to proceed.

F. Motion to Withdraw from Representation. An attorney or other person authorized to represent

a party before the commission pursuant to this regulation must file a written motion to withdraw from representation of a party or from participation in proceedings.

Fiscal Impact Statement: There will be no increased costs to the State or its political subdivisions.

Statement of Rationale: The bases for the proposed regulations include minimizing conflict regarding discrepancies on household goods motor carriers' bill by providing guidelines for the adjustment of bills and providing the public with notice regarding legal representation in cases before the Commission. It is the professional judgment of the Commission that these regulations are needed in the interest of judicial economy and to provide the public with adequate notice of the Commission's procedures. There was no scientific or technical basis relied upon in the development of this regulation.